

REMARKS

Applicant appreciates the Examiner's thorough consideration provided the present application. Claims 1-6, 9 and 10 are now present in the application. Claims 1, 2, 9 and 10 have been amended, and claims 7 and 8 have been cancelled. Claim 1 is independent. Reconsideration of this application, as amended, is respectfully requested.

Reasons for Entry of Amendments

At the outset, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to the claims automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment reduces the issues on appeal by canceling allowable claim 8 and incorporating the limitations thereof into independent claim 1. This Amendment was not presented at an earlier date in view of the fact that Applicants did not fully appreciate the Examiner's position until the Final Office Action was reviewed.

Election/Restriction

The Examiner has made the Election of Species Requirement final, and has withdrawn claims 4 and 6 from further consideration. Applicant has not canceled these non-elected claims since each of these claims depends, either

directly or indirectly, from independent generic claim 1, which is believed to be allowable. Upon allowance of independent claim 1, Applicant respectfully requests examination and allowance of these withdrawn claims.

Information Disclosure Citation

Applicant thanks the Examiner for considering the references supplied with the Information Disclosure Statement filed on December 5, 2003, and for providing Applicant with an initialed copy of the PTO-1449 form filed therewith.

Allowable Subject Matter

The Examiner states that claims 8 and 9 would be allowable if rewritten in independent form.

Applicant thanks the Examiner for the early indication of allowable subject matter in this application. The subject matter of claims 8 has been included in amended independent claim 1, and claim 8 has been cancelled. Further, claim 9 has been amended to depend from the amended independent claim 1. Therefore, independent claim 1 and dependent claims 2-6, 9 and 10 should be in condition for allowance.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 7 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McArthur (USPN 3,559,859) in view of Holbrook et al (USPN

5,806,746). Claims 2, 3 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McArthur in view of Holbrook et al as applied to claim 1, and further in view of Black et al (USPN 3,679,112).

Amended independent claim 1 now includes the allowable subject matter of claim 8 as well as the subject matter of claim 7. The allowable subject matter included in amended independent claim 1 makes independent claim 1 in an allowable form. In addition, since dependent claims 2-6 and 9-10 depend, either directly or indirectly, from independent claim 1, the dependent claims are allowable due to their dependence from claim 1, which is believed to be allowable.

In view of the above, Applicants respectfully submit that claims 1-6, 9 and 10 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are respectfully requested.

Conclusion

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state of the art, no further comments are necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

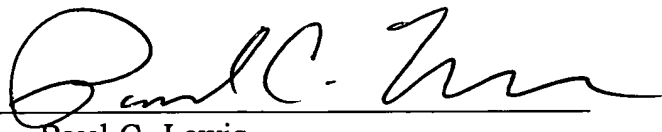
It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Paul C. Lewis, Registration No. 43,368 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Paul C. Lewis
Reg. No. 43,368
P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

PCL/ta